

Land UsesWilderness Areas

Reg. U-1. Wilderness areas. (a) Upon recommendation of the Chief, Forest Service, national forest lands in single tracts of not less than 100,000 acres may be designated by the Secretary as "wilderness areas," within which there shall be no roads or other provision for motorized transportation, no commercial timber cutting, and no occupancy under special use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: Provided, That roads over national forest lands reserved from the public domain and necessary for ingress and egress to or from privately owned property shall be allowed under appropriate conditions determined by the forest supervisor, and upon allowance of such roads the boundary of the wilderness area may be modified without prior notice or public hearing to exclude the portion affected by the roads.

(b) Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for the protection of the forest may be permitted subject to such restrictions as the Chief deems desirable. Within such designated wildernesses when the use is for other than administrative needs and emergencies the landing of airplanes and the use of motorboats are prohibited on national forest land or water unless such use by airplanes or motorboats has already become well established and the use of motor vehicles is prohibited unless the use is in accordance with a statutory right of ingress and egress.

(c) Wilderness areas will not be modified or eliminated except by order of the Secretary. Except as provided in paragraph (a) *-of this section-* notice of every proposed establishment, modification, or elimination will be published or publicly posted by the Forest Service for a period of at least 90 days prior to the approval of the contemplated order and if there is any demand for a public hearing, the regional forester shall hold such hearing and make full report thereon to the Chief of the Forest Service, who will submit it with his recommendations to the Secretary. (20 F.R. 8422-23, Nov. 10, 1955; 36 CFR 251.20.)

Wild Areas

Reg. U-2. Suitable areas of national forest land in single tracts of less than 100,000 acres but not less than 5,000 acres may be designated by the Chief, Forest Service, as "wild areas," which shall be administered in the same manner as wilderness areas, with the same restrictions upon their use. The procedure for establishment, modification, or elimination of wild areas shall be as for wilderness areas, except that final action in each case will be by the Chief. (36 CFR 251.21.)

Recreation Areas

Reg. U-3. Suitable areas of national forest land, other than wilderness or wild areas, which should be managed principally for recreation use may be given special classification as follows:

(a) Areas which should be managed principally for recreation use substantially in their natural condition and on which, in the discretion of the officer making the classification, certain other uses may or may not

(40)

be permitted may be approved and classified by the Chief of the Forest Service or by such officers as he may designate if the particular area is less than 100,000 acres. Areas of 100,000 acres or more will be approved and classified by the Secretary of Agriculture.

(b) Areas which should be managed for public recreation requiring development and substantial improvements may be given special classification as public recreation areas. Areas in single tracts of not more than 160 acres may be approved and classified by the Chief of the Forest Service or by such officers as he may designate.

*Areas in excess of 160 acres will be classified by the Secretary of Agriculture. Classification hereunder may include areas used or selected to be used for the development and maintenance as camp grounds, picnic grounds, organization camps, resorts, public service sites (such as for restaurants, filling stations, stores, horse and boat liverys, garages, and similar types of public service accommodations), bathing beaches, winter sports areas, lodges, and similar facilities and appurtenant structures needed by the public to enjoy the recreation resources of the national forests. The boundaries of all areas so classified shall be clearly marked on the ground and notices of such classification shall be posted at conspicuous places thereon. Areas classified hereunder shall thereby be set apart and reserved for public recreation use and such classification shall constitute a formal closing of the area to any use or occupancy inconsistent with the classification. (11 F. R. 3416, Apr. 2, 1946.)

Experimental and Natural Areas

Reg. U-4. The Chief of the Forest Service shall determine, define, and permanently record a series of areas of national forest land to be known as experimental forests sufficient in number and extent adequately to provide for the experimental work necessary as a basis for forest production or forest and range production in each

(Continued on page 41)

forest region, these areas to be dedicated to and used for research; also where necessary a supplemental series of areas for range investigations to be known as experimental ranges, and a series to be known as natural areas sufficient in number and extent adequately to illustrate or typify virgin conditions of forest or range growth in each forest or range region, to be retained in a virgin or unmodified condition for the purposes of science, research, and education. Within areas so designated occupancy thereof under a special use permit shall not be allowed, or the construction of permanent improvements permitted thereon, except improvements required in connection with their experimental use, unless authorized by the Chief of the Forest Service or the Secretary.

Regulation L-20 is hereby revoked.

Public Camp Grounds

Reg. U-5. Public camp grounds established upon national forest lands which are improved by the Forest Service, either from public funds or in cooperation with other public or private agencies, are for transient use by the public and shall not be occupied for extended periods or used for forms of occupancy which, in the opinion of the forest supervisor, are contrary to general public interest.

The forest supervisor may, in his discretion, prohibit the occupancy of designated camp grounds by house trailers, the erection or use of unsightly and inappropriate structures or appurtenances, and may fix a maximum limit upon the number of consecutive days during which any person or group of persons may occupy a designated camp ground.

Notice of such prohibitions or restrictions shall be given by a sign posted within said camp ground, and occupancy or use of the ground in violation of such prohibitions or restrictions is prohibited.

Regulation L-19, section 251.13, is hereby revoked.

Conditions of Occupancy and Use

Reg. U-6. Occupancy and use of national forest land shall be permitted only upon compliance with reasonable conditions looking to the promotion of public health, welfare, safety, or convenience. Public notices shall be posted by the forest supervisor, setting forth such conditions with respect to any areas on which special restrictions should be imposed. (36 CFR 251.25.)

Regulations U-10 to U-18 revoking Regulations L-1 to L-11 published in Federal Register, Doc. 42-8953; filed September 10, 1942.

-Reg. U-10. Special Use Permits, Archaeological Permits, Leases, and Easements; General Conditions. (a) Special uses. (1) All uses of national forest lands, improvements, and resources, including the uses authorized by the act of March 4, 1915 (38 Stat. 1101), as amended July 28, 1956 (Pub. Law 829, 84th Cong.; 70 Stat. 708; 16 U.S.C. 497), the act of March 30, 1948 (62 Stat. 100; 48 U.S.C. 341), and section 7 of the act of April 24, 1950 (64 Stat. 84; 16 U.S.C. 580d), and excepting those provided for in the regulations governing the disposal of timber and the grazing of livestock or otherwise specifically authorized by acts of Congress, shall be designated "special uses," and shall be authorized by "special use permits." (21 F.R. 7722, Oct. 10, 1956.)-

(41a)

(2) The temporary use or occupancy of national forest lands by individuals for camping, picnicking, hiking, fishing, hunting, riding, and similar purposes, may be allowed without a special use permit; provided, permits may be required for such uses when in the judgment of the Chief of the Forest Service the public interest or the protection of the national forest requires the issuance of permits.

(b) Special Use Permits. (1) Special use permits shall be issued by the Chief of the Forest Service or, upon authorization from him, by the regional forester, forest supervisor, or forest ranger, except as herein provided, and shall be in such form and contain such terms, stipulations, conditions, and agreements as may be required by the regulations of the Secretary of Agriculture and the instructions of the Chief of the Forest Service.

(2) Special use permittees shall comply with all State and Federal laws and all regulations of the Secretary of Agriculture relating to the national forests and shall conduct themselves in an orderly manner.

(3) A special use permit may be terminated with the consent of the permittee, or because of nonpayment of fees, by the officer by whom it was issued or his successor, but may be revoked or canceled only by the Secretary of Agriculture or by an officer of the Forest Service superior in rank to the one by whom it was issued, except that a term permit may be revoked only for breach of its terms or violation of law or regulation. Appeals from action relating to special use permits may be made as provided in section 211.2 (Reg. A-10) of this chapter.

(4) A special use permit may be transferred with the approval of the issuing forest officer, his successor or superior.

(5) Special use permits authorizing the operation of public service enterprises, such as hotels and resorts, shall require that the permittee charge reasonable rates and furnish such services as may be necessary in the public interest.

(c) Other authorizations. The Chief of the Forest Service is also authorized to issue permits, execute leases, and grant easements as follows:

(1) Permits under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431, 432), for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity in conformity with the uniform rules and regulations prescribed by the Secretaries of the Interior, Agriculture, and War, December 28, 1906 (43 CFR 3.1 to 3.17).

(2) Leases of land under the Act of February 28, 1899 (30 Stat. 908; 16 U.S.C. 495) [for sanitariums and hotels], in such form and containing such terms, stipulations, conditions, and agreements as may be required in the public interest.

(3) Easements for rights-of-way for poles and lines, including telephone and telegraph lines, for communication purposes, and for radio, television, and other forms of communication transmitting relay, and receiving structures and facilities, under the provisions of the act of March 4, 1911 (36 Stat. 1253, 16 U.S.C. 523), as amended by the act of May 27, 1952 (Pub. Law 367, 82d Cong., 2d Sess., 66 Stat. 95), subject to such payments as

may be equitable and to such stipulations as may be required for the protection and administration of the national forests.

(4) Permits, leases, and easements as authorized by the act of September 3, 1954 (Pub. Law 771, 83d Cong.), to States, counties, cities, towns, townships, municipal corporations, or other public agencies for periods not in excess of 30 years, at prices representing the fair market value, fixed by the Chief, Forest Service, through appraisal, for the purpose of constructing and maintaining on such lands public buildings or other public works. (19 F.R. 7270, Nov. 9, 1954.)

(d) Temporary occupancy. Nothing herein shall be construed to prohibit the temporary occupancy of national forest lands without permit for the protection of life or property in emergencies, provided a special use permit for such use be obtained at the earliest opportunity.

Reg. U-11. Free Special Use Permits. The Chief of the Forest Service may authorize the issuance of special use permits without charge when the use is (1) by a governmental agency, (2) of a public or semipublic nature, (3) for noncommercial purposes, (4) in connection with an authorized utilization of national forest resources, (5) of benefit to the Government in the administration of the national forests, or for similar purposes compatible with the public interest, and when authorized and directed so to be issued by acts of Congress.

Reg. U-12. Charge or Other Consideration for Special Use Permits.
(a) Special use permits, except as otherwise provided in this section or section 251.2 [Reg. U-11], or specifically authorized by the Secretary of Agriculture, shall require the payment of a fee or charge commensurate with the value of the use authorized by the permit, the amount of which shall be prescribed by the Chief of the Forest Service, *except that any such permit to any State or political subdivision thereof or any public agency or for nonprofit purposes may be issued without charge as provided by section 251.2 or for such charge as may be deemed appropriate by the Chief, Forest Service. (21 F.R. 7722; Oct. 10, 1956.)--*

(b) Special use permits issued under section 7 of the Act of April 24, 1950, may require as all or a part of the consideration the reconditioning and maintenance of the Government-owned or -controlled structures, improvements, and land to a satisfactory standard; provided that the total consideration so received shall be commensurate with the value of the use authorized by the permit when the use is of a commercial nature.

(c) Special use permits involving Government-owned or -controlled buildings, structures, or other improvements which require caretakers' services, or the furnishing of special services such as water, electric lights, and clean-up, may require the payment of an additional fee or charge to cover the costs of such services.

(15 F.R. 5902, Aug. 31, 1950.)

Reg. U-13. (August 4, 1955) (Replaces U-13 revoked January 12, 1948)
Disposal of Materials. (a) Authority. (1) Pursuant to the act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185-1188), as amended by the act of August 31, 1950 (64 Stat. 571), and the act of July 23, 1955 (Public Law No. 167, 84th Cong.), the Chief of the Forest Service or, upon his authorization, the regional forester, forest supervisor, or forest ranger, may dispose of common varieties of sand, stone, gravel, pumice, pumicite, and cinders on lands under his jurisdiction or custody, and may dispose of other mineral materials,

(4lbb)

including clay, from such lands where the mineral materials are not of such quality and quantity as to be subject to disposal under the United States mining laws. All such disposals shall be in such form, and contain such terms, stipulations, conditions and agreements as may be required by the regulations of the Secretary of Agriculture and instructions of the Chief, Forest Service.

(2) Disposals under this authority may be made only from lands set apart or reserved from the public lands (i) for national forest purposes, (ii) for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, or (iii) for use in connection with any other activity, purpose, or function administered or carried out by or under the authority of the Chief, Forest Service, or from national forest lands received in exchange for national forest lands set apart and reserved from the public lands or timber thereon.

(3) Disposals under this authority may not be made on lands withdrawn in aid of a function of a Federal department or agency other than the Department of Agriculture or of a State, Territory, county, municipality, water district or other local governmental subdivision or agency, without the consent of such other Federal department or agency or of such State, Territory, or local governmental unit.

(4) Disposals under this authority may be made only if the disposal of such material is (i) not otherwise expressly authorized by law, (ii) not expressly prohibited by laws of the United States, and (iii) not detrimental to the public interest.

(b) Method of disposal. (1) All materials to be disposed of under this authority, except as provided in subparagraph (4) of this paragraph, shall be appraised in such manner as determined by the Chief, Forest Service, and shall be disposed of at not less than the appraised value.

(2) Where the appraised value of the material exceeds \$1,000, it shall be disposed of to the highest responsible qualified bidder by competitive bidding after publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper having general circulation in the county in which the material is located, subject to the following provisions:

(i) Such disposals may be by sealed bid or oral auction in the discretion of the authorized disposal officer.

(ii) The authorized officer, in his discretion, may reject any or all bids in the interest of the Government.

(iii) An award will be made to the highest responsible qualified bidder, except as provided in subdivision (ii) of this subparagraph. If the highest bidder fails to qualify or make the required payments within the time allowed, award may be made to the next highest qualified bidder in the discretion of the authorized officer or the material may be disposed of by re-advertising.

(3) Where the appraised value of the material is \$1,000 or less, it may be disposed of:

(i) To a responsible qualified applicant by Special Use Permit in accordance with and subject to the conditions of section 251.1 [Reg. U-10] upon the payment of an adequate compensation: Provided, That not more than

*-\$1,000 worth of materials may be sold uncompetitively to any one applicant in any one area in any period of twelve consecutive months, such period to begin the first of the month in which any sale is made, or;

(ii) To the highest responsible qualified bidder at public auction or under sealed bids after such notice as may be deemed appropriate.

(4) Material may be disposed of hereunder to any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, without charge: Provided, That:

(i) The materials shall be for use for other than commercial or industrial purposes or resale;

(ii) Such users shall make such provision as may be required by the authorized officer to prevent pollution or erosion and to reseed, replant, rehabilitate, or restore the land to a productive capacity to the satisfaction of such officer;

(iii) Nothing in this section shall be construed to prevent a charge for such materials if the circumstances are such as to warrant a fee. Such fee may be the appraised value of the material or such lesser amount as may be deemed just and reasonable in the circumstances.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 4th day of August 1955.

TRUE D. MORSE,
Acting Secretary.

(20 F.R. 5724-25, Aug. 9, 1955.)

-*

Reg. U-14. Permits for Roads and Trails. (a) Rights-of-way over national forest land for State or county highways or roads which are a part of an approved system of public roads shall be 132 feet in width in the case of Federal Aid and State highways and 66 feet in width in the case of county and community roads or other roads of a secondary character. The center line of the highway or road shall be the center line of the right-of-way except where otherwise provided by the permit. Rights-of-way in excess of 132 feet in width may be authorized only with the specific approval of the regional forester. National forest lands on which a highway or road right-of-way is located shall continue to be administered by the Forest Service

(41cc)

but their use for highway or road purposes shall be dominant, and no use or occupancy thereof for other purposes shall be authorized unless concurred in by the appropriate State or county official, except that in the event agreement cannot be reached regarding such other use or occupancy as is essential to the proper use and management of national forests, the matter shall be submitted to the Secretary of Agriculture for decision. Direction and caution signs shall be erected and maintained by the State or county highway department. Information signs shall be approved by the Forest Service prior to erection.

(b) Approval by the Secretary of Agriculture of a forest highway construction program shall constitute authorization for the occupancy of national forest lands for the highways included in such construction program, but where a special use permit for a project included within a forest highway program is desired by a State or county to meet legal or fiscal requirements, or for the execution of road contracts, a permit shall be issued by the regional forester and shall contain such stipulations as may be necessary to protect national forest interests.

(c) Except (1) as provided in paragraph (b) of this section, (2) where there is a statutory right of ingress and egress, or (3) where road construction is specifically authorized in connection with an authorized use of national forest land, no highway or road shall be constructed on national forest land unless or until the occupancy of said land for highway or road purposes shall have been authorized by permit. Application for permit to construct a highway or road, and application for recognition of a right to construct or use a road for ingress and egress to and from privately owned property within the exterior boundaries of a national forest reserved from the public domain, shall be filed with the forest supervisor and shall be accompanied by a plat showing the precise location of the proposed highway or road. The forest supervisor shall then determine the effect of the proposed highway or road on the national forest and the changes in location or other features that may be necessary to safeguard the national forest, recording his findings in appropriate form and manner. Permits for State and county highways or roads of similar importance shall be issued by the regional forester. Forest supervisors may be authorized by the regional forester to issue permits for roads of lesser importance within such limitations as the regional forester may prescribe. (18 F.R. 3482, June 18, 1953.)

(d) The right to construct or use roads on national forest land for purposes of ingress and egress to and from privately owned property within the exterior boundaries of a national forest reserved from the public domain will be recognized when (1) the applicant is the owner of such property, (2) a roadway across such national forest land is necessary to enable the applicant to reach or utilize his property therein, and (3) the construction and use of the roadway is in accordance with the rules and regulations governing the occupancy, use and preservation of the national forests. Recognition of each such right will be evidenced by a statement entitled "Stipulations Governing the Exercise of Ingress and Egress Rights," which shall set forth the conditions, as prescribed by the Chief, Forest Service, under which the right may be exercised in keeping with the above referred to rules and regulations governing the occupancy, use and preservation of the national forests. The Stipulations Governing the Exercise of Ingress and Egress Rights may be issued by the regional forester or, when designated by him, the forest supervisor. (18 F.R. 3482-83, June 18, 1953.)

(e) Trails may be constructed without permit upon consent and under the supervision of a forest officer, except that in the national forests in Alaska such consent and supervision will not be required.

(f) No toll shall be charged for the use of road or trails over national forest lands, and they shall be open to free public use unless otherwise authorized by the Chief of the Forest Service. Roads built at private expense may be temporarily closed to public use by order of the regional forester if their unrestricted use endangers public safety and property or interferes with the primary purpose for which they were built.

(g) Roads across national forest lands which are not parts of State or county highway systems and which are constructed and maintained wholly at the expense of the Federal Government and its private cooperators may be designated by the regional forester as "special service" roads, and public use of such roads may be prohibited or regulated by the regional forester when necessary to the public interest. (36 CFR 251.5.)

Reg. U-15. Exchange of Use of Privately Owned Lands for Use of National Forest Lands. Owners or lessees of privately owned lands within or adjacent to national forests, upon waiving their rights to the exclusive use of the land and allowing it to remain open to livestock authorized to graze on national forest lands, or to other recognized public uses, may be granted a special use permit without charge, authorizing the enclosure and use of a specific area of national forest land of which the public service value is not in excess of that of the privately owned land, when such exchange will be advantageous to the administration of the national forests.

An application for a permit authorizing the enclosure of national forest lands shall be accompanied by a certificate of title showing the ownership and description of the privately owned land, and if such application is by a lessee, by a copy of the lease also. The application shall describe the national forest land it is desired to occupy.

Reg. U-16. Home and Industrial Sites in Alaska. (36 CFR, 1949 Supp., 251.7.) A special use permittee who has constructed upon national forest lands within the Territory of Alaska permanent and substantial improvements for purposes of trade, manufacture, or other productive industry, in connection with which there are reasonable prospects for the establishment of a permanent industry, or who has occupied land (not exceeding 5 acres) under a special use homesite permit as a yearlong residence in a habitable house for three years, may apply to the Chief of the Forest Service for the elimination from the national forest of the land so occupied in order that it may be entered by the applicant under the provisions of Section 10 of the Act of May 14, 1898, as amended (48 U.S.C. 461-462). Upon determination, after investigation, that permanent and substantial improvements designed for trade, manufacture, or other productive industry exceeding in value the estimated value of the lands for national forest purposes have been lawfully constructed with reasonable prospects of establishing a permanent industry, or that the land has been so occupied under a special use homesite permit as a yearlong residence for three years, the Chief of the Forest Service will recommend the elimination of the land used and needed, not exceeding a total of 80 acres for an industrial site or five acres for a homesite, from the national forest.

(41e)

*-Reg. U-17. Permit for Community Improvements. (a) Special use permittees who occupy national forest lands for summer homes or other residential purposes not connected with timber sales, grazing permits, or water power developments and who have organized an association which has been recognized under the provisions of Sec. 211.1 (Reg. A-9) of this chapter, may be issued permits authorizing the construction and maintenance of improvements or facilities which contribute to their common welfare. Such permits shall be issued by the regional forester.

(b) Special use permits for the use of improvements and facilities constructed by the Government in the development of a group residential site may be issued to associations of permittees on the condition that they be operated and maintained by the association. (36 CFR 251.8.)

(19 F.R. 4614, July 27, 1954.)-*

Reg. U-18. Management of Municipal Watersheds. When necessary for the protection of water supplies of towns, cities, or irrigation districts the Chief of the Forest Service will enter into formal agreements with the properly authorized officials of the town, city, irrigation district, or private corporation, or with the owners of privately owned lands within the watershed to restrict the use of the national forest lands from which the water supplies are derived. The kinds of uses to be restricted, the nature and extent of the restrictions, the special protective measures which may be necessary or desirable, the assistance to be given the Forest Service in the enforcement thereof by the town, city, district, private corporation, or owner of land and the payments, if any, which shall be made to compensate the United States for losses of revenue resulting from the restrictions will all be clearly and specifically defined in the agreement.

Tongass National Forest: Petersburg Watershed

Reg. U-35. All persons are hereby prohibited from entering upon the lands within the Tongass National Forest, described in the Act of October 17, 1940, Public No. 867, Seventy-sixth Congress, except federal and territorial officials, officials and employees of the town of Petersburg, Alaska, who may be required to enter thereon to operate, maintain, or improve the town's water system, and persons who have obtained permits from the proper town officials, which are countersigned by a local forest officer. Timber may be removed from the area under the regulations relating to the disposal of national forest timber. However, the forest supervisor in charge of the Tongass National Forest shall permit such removal only under conditions which will adequately safeguard the water supply of the town of Petersburg. (Fed. Reg. Jan. 3, 1941, p. 45; 36 CFR 251.35.)

Navigation of Aircraft Within Airspace Reservation Over Certain Areas of Superior National Forest in Minnesota

Sec. 251.26 Description of areas. Sections 251.27 to 251.31, inclusive, apply to those areas of land and water in the Counties of Cook, Lake,

§ 294.1

under special-use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: *Provided*, That existing roads over National Forest lands reserved from the public domain and roads necessary for the exercise of a statutory right of ingress and egress may be allowed under appropriate conditions determined by the Chief, Forest Service.

(b) Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for the protection of the National Forests may be permitted, subject to such restrictions as the Chief, Forest Service, deems desirable. Within Primitive Areas, when the use is for other than administrative needs of the Forest Service, use by other Federal agencies when authorized by the Chief, and in emergencies, the landing of aircraft and the use of motorboats are prohibited on National Forest land or water unless such use by aircraft or motorboats has already become well established, the use of motor vehicles is prohibited, and the use of other motorized equipment is prohibited except as authorized by the Chief. These restrictions are not intended as limitations on statutory rights of ingress and egress or of prospecting, locating, and developing mineral resources.

(c) All prohibitions for those areas of National Forest classified as "Primitive" on the effective date of the Wilderness Act, September 3, 1964, are in Part 261.

(78 Stat. 890, 16 U.S.C. 1131-1136; 74 Stat. 215, 16 U.S.C. 528-531)

[38 FR 5855, Mar. 5, 1973, as amended at 42 FR 35960, July 13, 1977]

PART 294—SPECIAL AREAS

Sec.

294.1 Recreation areas.

294.2 Navigation of aircraft within airspace reservation over the Boundary Waters Canoe Area Wilderness, Superior National Forest, Minnesota.

§ 294.1 Recreation areas.

Suitable areas of national forest land, other than wilderness or wild areas, which should be managed prin-

36 CFR Ch. II (7-1-88 Edition)

cipally for recreation use may be given special classification as follows:

(a) Areas which should be managed principally for recreation use substantially in their natural condition and on which, in the discretion of the officer making the classification, certain other uses may or may not be permitted may be approved and classified by the Chief of the Forest Service or by such officers as he may designate if the particular area is less than 100,000 acres. Areas of 100,000 acres or more will be approved and classified by the Secretary of Agriculture.

(b) Areas which should be managed for public recreation requiring development and substantial improvements may be given special classification as public recreation areas. Areas in single tracts of not more than 160 acres may be approved and classified by the Chief of the Forest Service or by such officers as he may designate. Areas in excess of 160 acres will be classified by the Secretary of Agriculture. Classification hereunder may include areas used or selected to be used for the development and maintenance as camp grounds, picnic grounds, organization camps, resorts, public service sites (such as for restaurants, filling stations, stores, horse and boat liverys, garages, and similar types of public service accommodations), bathing beaches, winter sports areas, lodges, and similar facilities and appurtenant structures needed by the public to enjoy the recreation resources of the national forests. The boundaries of all areas so classified shall be clearly marked on the ground and notices of such classification shall be posted at conspicuous places thereon. Areas classified under this section shall thereby be set apart and reserved for public recreation use and such classification shall constitute a formal closing of the area to any use or occupancy inconsistent with the classification.

(Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100, sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472)

[38 FR 5859, Mar. 5, 1973]

Forest Service, USDA

§ 294.2 Navigation of aircraft within space reservation over the Boundary Waters Canoe Area Wilderness, or National Forest, Minnesota.

(a) *Description of areas.* S. 294.2(b) to 294.2(f), inclusive, are those areas of land and water Counties of Cook, Lake, and St. State of Minnesota, within the or boundaries of the Superior National Forest, which have heretofore designated by the Secretary of culture as the Superior Roadless the Little Indian Sioux Roadless, and the Caribou Roadless Area respectively, and to the airspace said areas and below the altitude 4,000 feet above sea level. Said are more particularly described Executive order setting apart space as an airspace reservation 10092, Dec. 17, 1949; 3 CFR Supp.). Copies of said Executive may be obtained on request from Forest Supervisor, Superior National Forest, Duluth, Minnesota (1 after called "Forest Supervisor").

(b) *Emergency landing and operations.* The pilot of any aircraft landing within any of said areas for reasons of emergency or for conducting rescue operations, shall inform Forest Supervisor within seven days after the termination of the emergency or the completion of the rescue operation as to the date, place, and time of landing, and the type and registration number of the aircraft.

(c) *Low flights.* Any person making flight within said airspace reservation for reasons of safety or for conducting rescue operations shall inform Forest Supervisor within seven days after the completion of the flight the rescue operation as to the place, and duration of flight, at type and registration number of aircraft.

(d) *Official flights.* The provisions of §§ 294.2(b) and 294.2(c) do not apply to flights made for conducting or participating in the conduct of official business of the United States, of the State of Minnesota or of Cook, St. Louis Lake Counties, Minnesota.

(e) *Conformity with law.* Nothing in these regulations shall be construed as permitting the operation of an aircraft contrary to the provisions of the